

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF FLORIDA
MIAMI DIVISION

UNITED STATES OF AMERICA

§ **AMENDED JUDGMENT IN A CRIMINAL
CASE**

§ (For Organizational Defendants)

v.

§

§ Case Number: **1:22-CR-20516-KMW(3)**

§

§

§ Counsel for Defendant: **Joseph Steven Rosenbaum**

§

§ Counsel for United States: **Jodi A. Mazer**

**QUICK TRICKS AUTOMOTIVE
PERFORMANCE, INC.**

Reason for amendment: to use correct judgment for
organizational defendants.

THE DEFENDANT ORGANIZATION:

<input checked="" type="checkbox"/>	pleaded guilty to Count 1 of the Information.	
<input type="checkbox"/>	pleaded guilty to count(s) before a U.S. Magistrate Judge, which was accepted by the court.	
<input type="checkbox"/>	pleaded nolo contendere to count(s) which was accepted by the court	
<input type="checkbox"/>	was found guilty on count(s) after a plea of not guilty	

The defendant organization is adjudicated guilty of these offenses:

Title & Section / Nature of Offense**18 U.S.C. § 371 Conspiracy to commit violation of the Clean Air Act.****Offense Ended****10/31/2022****Count****1**

The defendant organization is sentenced as provided in pages 2 through 6 of this judgment. The sentence is imposed pursuant to the Sentencing Reform Act of 1984.

- ☐ The defendant organization has been found not guilty on count(s)
☐ Count(s) ☐ is ☐ are dismissed on the motion of the United States

It is ordered that the defendant organization must notify the United States attorney for this district within 30 days of any change of name, residence, or mailing address until all fines, restitution, costs, and special assessments imposed by this judgment are fully paid. If ordered to pay restitution, the defendant must notify the court and United States attorney of material changes in economic circumstances.

Defendant Organization's**Federal Employer I.D. 27-1371124**

Defendant Organization's Principal Business Address:

**12973 Southwest 112th Street, Miami, Florida
33186**

Defendant Organization's Mailing Address:

**12973 Southwest 112th Street, Miami, Florida
33186**

May 5, 2023

Date of Imposition of Judgment

Signature of Judge

**KATHLEEN M. WILLIAMS
UNITED STATES DISTRICT JUDGE**

Name and Title of Judge

6/14/23

DEFENDANT ORGANIZATION: QUICK TRICKS AUTOMOTIVE PERFORMANCE, INC.
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Date

PROBATION

The defendant organization is hereby sentenced to probation for a term of:

3 years.

Counts to run: ☐ Concurrent ☐ Consecutive

The defendant organization shall not commit another federal, state or local crime.

If this judgment imposes a fine or a restitution obligation, it is a condition of probation that the defendant organization pay in accordance with the Schedule of Payments sheet of this judgment.

The defendant organization must comply with the standard conditions that have been adopted by this court as well as with any additional conditions on the attached page (if indicated below).

STANDARD CONDITIONS OF SUPERVISION

1. Within 30 days from the date of this judgment, the defendant organization shall designate an official for the organization to act as the organization's representative and to be the primary contact with the probation officer;
2. The defendant organization shall answer truthfully all inquiries by the probation officer and follow the instructions of the probation officer;
3. The defendant organization shall notify the probation officer ten (30) days prior to any change in principal business or mailing address;
4. The defendant organization shall permit a probation officer to visit the organization at any of its operating business sites;
5. The defendant organization shall notify the probation officer within seventy-two (72) hours of any criminal prosecution, major civil litigation, or administrative proceeding against the organization;
6. The defendant organization shall not dissolve, change its name, or change the name under which it does business unless this judgment and all criminal monetary penalties imposed by this court are either fully satisfied or are equally enforceable against the defendant's successors or assignees; and
7. The defendant organization shall not waste, nor without permission of the probation officer, sell, assign or transfer its assets.

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ADDITIONAL STANDARD CONDITIONS OF SUPERVISION

Corporate Compliance: The defendant corporation shall not, through a business transaction of any type, including but not limited to, a change of name, business reorganization, sale or purchase of assets, divestiture of assets, or any similar action, seek to avoid the obligations and conditions set forth in the plea agreement. The plea agreement, together with all of the obligations and terms thereof, shall inure to the benefit of and bind assignees, successors-in-interest, or transferees of the defendant.

Disclosure of Business/Financial Records: The defendant corporation shall make full and complete disclosure of its business finances/financial records to the U.S. Probation Officer. The defendant corporation shall submit to an audit of its business financial records as requested by the U.S. Probation Officer.

No New Debt Restriction: The defendant shall not apply for, solicit or incur any further debt, included but not limited to loans, lines of credit or credit card charges, either as a principal or cosigner, as an individual or through any corporate entity, without first obtaining written permission from the United States Probation Officer.

Non-Reporting Supervision: If the defendant becomes and remains an inactive entity, the term of probation in this case shall be non-reporting. If the defendant is reinstated and becomes an active entity engaging in business in the United States, a representative for the company shall report to the nearest U.S. Probation Office within 72 hours of reinstatement.

Permissible Search/Inspection Requirement: The defendant shall submit to a search and/or inspection of any of its properties and places of business conducted at a reasonable time and in a reasonable manner by the U.S. Probation Officer and shall permit the U.S. Probation Officer to accompany any law enforcement or regulatory official during any enforcement or inspection of the defendant's properties or places of business.

Prohibition of Business Reorganization to Avoid Conditions of Probation: The defendant shall not, through a change of name, business reorganization, sale or purchase of assets, lease or transfer of assets, divestiture of assets, creation of any commercial entity, or any similar or equivalent action, including but not limited to seeking protection in bankruptcy, seek to avoid the conditions of probation, including but not limited to the compliance program.

Required Compliance Program: The defendant corporation shall establish and maintain an effective compliance program which shall comply with all federal rules and regulations pertaining to false, fictitious and fraudulent claims to an agency of the United States, in violation of 18 U.S.C. § 287, and shall employ an appropriately qualified Compliance Officer, subject to the approval of the Court. This Compliance Officer shall have the responsibility for implementing the compliance program and overseeing the compliance program. The Compliance Officer shall be a senior level management or supervisory level officer. The entire compliance program shall remain under the supervision of the Court for the duration of the term of probation.

Required Financial Notification: The defendant shall be required to notify the U.S. Probation Officer immediately upon learning of any material adverse change in its business or financial condition or prospects, the commencement of any bankruptcy proceeding, or any major civil litigation in excess of \$10,000.

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Required Notification - Breach of Compliance: The defendant corporation is to inform the U.S. Probation Officer of any breach of compliance involving the defendant company. A description of the nature, date and time of the breach of compliance shall be provided to the U.S. Probation Officer within three days of the breach.

Required Records Retention: In addition to the record retention requirements set forth in the applicable portions of the Code of Federal Regulations, the defendant corporation shall keep the records required to be retained pursuant to regulatory provisions for the period specified in the applicable regulation or for a period of five years, whichever is longer.

Third Party Consultant/Auditor Requirement: Within 30 days of sentencing, the defendant and its parent corporations shall retain the services of an outside, independent third-party auditor and fund a Court Appointed Monitor to perform the duties set forth in the ECP and to report to the Court and the Probation Office. The independent auditor will audit each aspect of the defendant's internal controls as to compliance with applicable rules and regulations. All audit reports prepared shall be submitted to the U.S. Probation Officer. The corporate representative shall submit its report, if any, to the U.S. Probation Officer, describing all steps taken to address any issues in the independent auditor's report, along with the original independent auditor's report within 30 days after it is provided.

Unpaid Restitution, Fines, or Special Assessments: If the defendant has any unpaid amount of restitution, fines, or special assessments, the representative for the defendant shall notify the probation officer of any material change in the defendant's economic circumstances that might affect the defendant's ability to pay.

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CRIMINAL MONETARY PENALTIES

The defendant organization must pay the total criminal monetary penalties under the schedule of payments page.

	<u>Assessment</u>	<u>Restitution</u>	<u>Fine</u>
TOTALS	\$400.00	\$.00	\$.00

- ☐ The determination of restitution is deferred until . An *Amended Judgment in a Criminal Case (AO245C)* will be entered after such determination.
- ☐ The defendant organization must make restitution (including community restitution) to the following payees in the amount listed below.

If the defendant organization makes a partial payment, each payee shall receive an approximately proportioned payment. However, pursuant to 18 U.S.C. § 3664(i), all nonfederal victims must be paid before the United States is paid.

- ☐ Restitution amount ordered pursuant to plea agreement \$
- ☐ The defendant organization must pay interest on restitution and a fine of more than \$2,500, unless the restitution or fine is paid in full before the fifteenth day after the date of the judgment, pursuant to 18 U.S.C. § 3612(f). All of the payment options on the schedule of payments page may be subject to penalties for delinquency and default, pursuant to 18 U.S.C. § 3612(g).
- ☐ The court determined that the defendant does not have the ability to pay interest and it is ordered that:
- | | | |
|---|-------------------------------|--|
| <input type="checkbox"/> the interest requirement is waived for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution |
| <input type="checkbox"/> the interest requirement for the | <input type="checkbox"/> fine | <input type="checkbox"/> restitution is modified as follows: |

Findings for the total amount of losses are required under Chapters 109A, 110, 110A and 113A for offenses committed on or after September 13, 1994, but before April 23, 1996.

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SCHEDULE OF PAYMENTS

Having assessed the defendant organization's ability to pay, payment of the total criminal monetary penalties is due as follows:

A ☒ Lump sum payments of \$400.00 due immediately, balance due

It is ordered that the Defendant organization shall pay to the United States a special assessment of \$400.00, which shall be due immediately. Said special assessment shall be paid to the Clerk, U.S. District Court. Payment is to be addressed to:

**U.S. CLERK'S OFFICE
ATTN: FINANCIAL SECTION
400 NORTH MIAMI AVENUE, ROOM 8N09
MIAMI, FLORIDA 33128-7716**

Unless the court has expressly ordered otherwise, if this judgment imposes imprisonment, payment of criminal monetary penalties is due during imprisonment. All criminal monetary penalties, except those payments made through the Federal Bureau of Prisons' Inmate Financial Responsibility Program, are made to the clerk of the court.

The defendant organization shall receive credit for all payments previously made toward any criminal monetary penalties imposed.

☐ Joint and Several

See above for Defendant and Co-Defendant Names and Case Numbers (*including defendant number*), Total Amount, Joint and Several Amount, and corresponding payee, if appropriate.

☐ The defendant organization shall forfeit the defendant's interest in the following property to the United States:

FORFEITURE of the defendant organization's right, title and interest in certain property is hereby ordered consistent with the plea agreement. The United States shall submit a proposed Order of Forfeiture within three days of this proceeding.

Payments shall be applied in the following order: (1) assessment, (2) restitution principal, (3) restitution interest, (4) AVAA assessment, (5) fine principal, (6) fine interest, (7) community restitution, (8) JVTa assessment, (9) penalties, and (10) costs, including cost of prosecution and court costs.